

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner,

v.

EVOLUTIONARY INTELLIGENCE, LLC,
Patent Owner

Title: SYSTEM AND METHOD FOR CREATING AND MANIPULATING
INFORMATION CONTAINERS WITH DYNAMIC REGISTERS

Inter Partes Review Nos. IPR2014-00082, -00083, -00083, -00085, and -00086
Patent No. 7,010,536

MOTION FOR *PRO HAC VICE* ADMISSION

UNDER 37 C.F.R. § 42.10

The Patent Owner, Evolutionary Intelligence LLC, respectfully requests that the Board recognize Mr. Todd Kennedy as backup counsel *pro hac vice* during this proceeding.

1. Statement of Facts

There is good cause for the Board to recognize Mr. Kennedy *pro hac vice*.

Mr. Kennedy is an experienced litigation attorney, and has been involved in numerous litigations involving patent infringement in District Courts across the country. He has experience in jury and bench trials and *Markman* hearings in patent infringement litigation matters. Mr. Kennedy's biography is attached hereto as Exhibit 2005.

U.S. Patents Nos. 7,010,536 and 7,702,682 are currently asserted against Petitioner Apple Inc. in a co-pending litigation, *Evolutionary Intelligence, LLC v. Apple Inc.*, No. 3:13-cv-04201-WHA ("the co-pending litigation"). Mr. Kennedy is lead counsel for Evolutionary Intelligence in the co-pending litigation and, as such, has an established familiarity with the subject matter at issue in this proceeding. In the co-pending litigation, Mr. Kennedy was heavily involved in performing infringement analyses, forming claim construction positions, and drafting claim charts, all of which are relied on in the petition requesting *inter partes* review in this case. Evolutionary has expended

significant financial resources in the co- pending litigation with Mr. Kennedy as lead litigation counsel, and Evolutionary wishes to continue using Mr. Kennedy as counsel in this proceeding.

Further, counsel for Petitioner does not oppose Mr. Kennedy appearing *pro hac vice* during this proceeding.

Therefore, Petitioner respectfully submits that there is good cause for the Board to recognize Mr. Kennedy as backup counsel *pro hac vice* during this proceeding.

2. Affidavit or Declaration of Individual Seeking to Appear

This Motion for *Pro Hac Vice* Admission is accompanied by an Affidavit of Mr. Kennedy as required under 37 C.F.R. § 42.10.

Dated: March 26, 2014

Respectfully Submitted,

/s/Anthony J. Patek/

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 CFR § 42.6, that on March 22, 2014, the same day as the filing of the above document, a true and correct copy of the foregoing Motion to Appear *Pro Hac Vice*, including all attachments, appendices and exhibits, is being served via email (per agreement between the parties) on the following:

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